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Agenda item 100 (d)

HUMAN RIGHTS QUESTIONS: COMPREHENSIVE IMPLEMENTATION OF AND
FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Letter dated 20 October 1994 from the Permanent
Representative of Latvia to the United Nations
addressed to the Secretary-General

I have the honour to transmit a statement dated 14 October 1994 by
H.E. Mr. Maris Gailis, Prime Minister of Latvia, on Latvia's national programme
for the protection and promotion of human rights.

I should be grateful if you would have the text of the present letter and
its annex circulated as a document of the General Assembly under agenda
item 100 (d).

(Signed) Aivars BAUMANIS
Permanent Representative

Annex

STATEMENT DATED 14 OCTOBER 1994 BY THE PRIME MINISTER OF LATVIA
ON LATVIA'S NATIONAL PROGRAMME FOR THE PROTECTION AND PROMOTION
OF HUMAN RIGHTS

On 4 May 1990, when Latvia acceded to more than 50 international instruments, it took upon itself the responsibility to observe and protect the rights of all persons regardless of whether they are citizens or non-citizens, Latvians or non-Latvians, children, or physically, mentally or otherwise disabled.

Latvia participated at the World Conference on Human Rights, held in Vienna in June 1993. In the Vienna Declaration and Programme of Action, 1/ countries were invited to create national programmes for the protection and promotion of human rights, so as to promote stability in each country as well as to prevent the creation of conflict in a global context.

I am satisfied that Latvia is one of the first countries that has responded to this invitation and shown its sense of responsibility in creating its own national programme for the protection and promotion of human rights.

To accomplish this task, this summer Latvia invited a high-level international expert mission to visit Latvia. The mission was organized by the United Nations Development Programme (UNDP) and its goal was to prepare a detailed needs assessment for Latvia's national programme. The mission was composed of the Federal Human Rights Commissioner of Australia and representatives of the Conference on Security and Cooperation in Europe (CSCE) and the Council of Europe.

The most important recommendation made by the mission, and which definitely will be implemented within the national programme, is the need for an independent human rights protection institution.

I believe that such an institution must be accessible to society at large and that its main priorities would be the following: first, to provide information to the general public about what human rights actually are; second, to provide objective information on the rights of each and every individual; and third, to review and, if possible, find solutions to individual complaints, applying principles of conciliation.

Recommendations presented in the report of the international high-level mission will serve as the basis for the creation of Latvia's independent human rights institution. This structure would be the cornerstone of Latvia's national programme. The responsible Latvian organs will be the State Minister for Human Rights, within the Ministry of Justice, in cooperation with the Ministry of Foreign Affairs.

The Chairman of this institution would be a well-known and respected member of society appointed by the Government and confirmed by law in the Saeima.

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It is the Government's responsibility to guarantee to all of Latvia's residents equality before the law and equal protection against discrimination.

I look forward to cooperating with all persons residing in Latvia, as well as with non-governmental organizations and international organizations during the realization and implementation of the national programme for the protection and promotion of human rights.

Notes

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.



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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 14 October 1994 from the Acting Permanent Representative
of Kyrgyzstan addressed to the Secretary-General

I have the honour to inform you that on 22 October this year a special referendum will be held in the Republic of Kyrgyzstan on the amendment of the country's Constitution. As a consequence of this referendum, it is planned to hold by the end of 1994 elections to the representative organs of local self-government, and also to the Zhogorku Kenesh (parliament) of the Republic of Kyrgyzstan. An exact schedule for elections to the local and republic-wide legislative organs will be determined immediately after the referendum of 22 October 1994.

In order to ensure compliance with all democratic procedures, the Government of the Republic of Kyrgyzstan invites representatives of all interested international organizations and foreign States to observe the conduct of the referendum and the elections. The Permanent Mission of the Republic of Kyrgyzstan at the United Nations may be contacted regarding all matters connected with possible participation in these events.

I should be grateful if you would have this letter circulated as an official document of the General Assembly under agenda item 100 (b).

(Signed) A. AITMATOV
Acting Permanent Representative
of Kyrgyzstan to the United Nations



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HUMAN RIGHTS QUESTIONS: COMPREHENSIVE IMPLEMENTATION OF AND
FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Letter dated 20 October 1994 from the Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia addressed to the
Secretary-General

I have the honour to transmit herewith the letter of
H.E. Mr. Vladislav Jovanovic, Minister for Foreign Affairs of the Federal
Republic of Yugoslavia, addressed to H.E. Mr. Jose Ayala Lasso, United Nations
High Commissioner for Human Rights, along with the comments of the Government of
the Federal Republic of Yugoslavia on a number of provisions of the Declaration
of the World Conference on Human Rights. 1/

I should be grateful if you would have the present letter and its annexes
circulated as a document of the General Assembly under agenda item 100 (d).

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Notes

1/ Report of the World Conference on Human Rights, Vienna,
14-25 June 1993 (A/CONF.167/24 (Part I)), chap. III.



Annex

I am writing to thank you for the letter of 25 June 1994 that you and the President of the World Conference on Human Rights sent to me in connection with the implementation of its Declaration and Programme of Action, which I understood as your invitation to the Government of the Federal Republic of Yugoslavia to participate in and make a contribution to your intention to submit a report. I trust and believe that the invitation reflects a different attitude towards Yugoslavia from the one that was taken by the host of and participants at the Conference who, politically motivated and misguided by media misinformation, prevented the Yugoslav delegation from taking part in the Conference in a very rude way. By itself, such an attitude is incompatible with the very concept of human rights. I am therefore confident that, in promoting the goals and objectives inherent in the high office that you have recently assumed, you will resist the politicization of human rights and refuse to have delegations, like the delegation of the Federal Republic of Yugoslavia, excluded from the work of the United Nations, especially when their countries are the subject of debate or decision-making. After all, let it be recalled, in the past few years the Government of the Federal Republic of Yugoslavia has uninterruptedly submitted its regular report and a number of special reports to the Centre for Human Rights of the United Nations Secretariat on the implementation of its commitments under the international instruments acceded to by the Socialist Federal Republic of Yugoslavia and subsequently by the Federal Republic of Yugoslavia. I also wish to point out that, in accordance with its decision on continuation of the Federal Republic of Yugoslavia, the Government of the Federal Republic of Yugoslavia has renounced no international instrument on human or trade union rights and that, wherever necessary, the new Constitution and relevant laws of the Federal Republic of Yugoslavia have been fully adjusted to the provisions of these instruments. In point of fact, in some cases these documents even surpass relevant international standards, like in the field of minority rights.

I am confident that you personally need not be reminded of the role that Yugoslavia has played in the United Nations from the establishment of the world Organization onwards. The positions of my country on the questions of decolonization, apartheid, maintenance of international peace and security, elaboration and the universal acceptance of international instruments in the field of human rights and universal respect for these rights make an illustrious record and speak for themselves.

Enclosed herewith for your reference are the comments of the Government of the Federal Republic of Yugoslavia on a number of the provisions of the Declaration of the World Conference on Human Rights. These comments include not only the facts, illustrating the manner in which the Government of the Federal Republic of Yugoslavia observes and implements human rights, but also, and regrettably so, such facts illustrating the sectors, means and consequences for our population and Serbian people in the entire territory of the former Yugoslavia of unscrupulous and massive violations by the international community of those same human rights whose respect it demands.

I would appreciate it if you would kindly include in your report both the enclosed reply of the Government of the Federal Republic of Yugoslavia and my letter in their entirety.

(Signed) Vladislav JOVANOVIĆ

Appendix

COMMENTS OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA
ON A NUMBER OF THE PROVISIONS OF THE DECLARATION OF THE WORLD
CONFERENCE ON HUMAN RIGHTS

In one of its initial provisions, the Declaration reaffirms the right of all peoples to self-determination and, by virtue of that right, their freedom to determine their political status and pursue their economic, social and cultural development. The Declaration goes on to say that peoples may take any legitimate action in accordance with the Charter of the United Nations to realize that inalienable right.

Although the disintegration of the former Socialist Federal Republic of Yugoslavia was a textbook case of the secession of some of its constituent republics from the common State under the influence of some international factors, it was construed as the alleged right to self-determination. The very fact that the seceded republics themselves were multinational and that the peoples living in them were equal peoples, not national minorities, was disregarded. It is therefore totally unacceptable that the republics such as Croatia, Bosnia-Herzegovina or the former Yugoslav Republic of Macedonia have achieved their independence through the exercise of the right of peoples to self-determination, since only one people in each of these republics (Croatian, Muslim and Macedonian) availed itself of that right, whereas the Serbian people which, under the Constitution of the Socialist Federal Republic of Yugoslavia, had the status of a constituent people in these republics was denied this very same right by the arbitrary will of both internal and external factors. It should also be borne in mind that, according to Croatian sources, Serbs account for 12.2 per cent of the overall population, a/ while in over 60 per cent of the territory of Bosnia-Herzegovina they are the majority population.

In all relevant international instruments, the right to self-determination is linked directly to the equality of all peoples. This principle was wantonly disregarded in the case of Yugoslavia, namely the right to self-determination of the Serbian people. Another substantial aspect of the right to self-determination was also infringed. First and foremost, the principle of self-determination was set up with a view to attaining international peace and it was associated with countries under colonial domination. Should the exercise of this right lead to internal conflicts or threaten to escalate into conflicts of wider proportions with threats to international peace, it could hardly be considered acceptable nowadays, including in the case of Yugoslavia.

The principle of self-determination of peoples must not contradict the principle of territorial integrity of States and cannot be pursued at the expense of the latter. The relevant international instruments, including General Assembly resolutions 1514 (XV) and 2625 (XXV), provide that any attempt aimed at the partial or total disruption of national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations. That the international community has not changed its position on this matter is evinced by the said World Conference on Human Rights. In the first part of the concluding document of the Conference

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(para. 3), in reference to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States of 1970, it is said that the recognition of the right of peoples to self-determination "shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind". It is strange that this principle has not been applicable only in the case of the Socialist Federal Republic of Yugoslavia.

Paragraph 17 of the Declaration deals with terrorism, its linkage to drug trafficking, destruction of human rights, fundamental freedoms and democracy, threats to territorial integrity and security of States and destabilization of legitimately constituted Governments, while the international community is called upon to enhance cooperation to prevent and combat terrorism.

As it is known, one of the most notorious drug routes from Asia to Western and other parts of Europe goes across Serbia. In accordance with its international commitments, Yugoslavia has engaged all available human and material resources to combat drug trafficking effectively. In doing so, it cooperated with the relevant organizations of the United Nations system, as well as with the International Criminal Police Organization (INTERPOL) and is ready to continue to do so, making further contributions to their activities, once it has been reintegrated in these and other organizations from which it was suspended. Yugoslavia's exclusion from the work of INTERPOL is incomprehensible and against the interests of this organization, all the more so as it is known that Yugoslavia has been very effective in interdicting drug trafficking and international crime on one of its main East-West routes. Yugoslavia's achievements and services in the field of combating international crime were recognized by INTERPOL itself, so it is deplorable indeed that this highly professional organization should have succumbed to the politicized isolation of one of its members. Of course, the Federal Republic of Yugoslavia never understood this unjustifiable and unaccountable decision either as a sign to discontinue its activities aimed at rooting out this scourge of our age or as a licence to make its territory the stamping-ground of international mafia. Although suspended from INTERPOL, with limited resources and under unfavourable circumstances, it continues to act efficiently, thus contributing to the INTERPOL effort in combating international crime.

Yugoslavia's effort in this field is complicated by an additional impediment: one of the most powerful world narco-mafias, the Albanian narco-mafia, is very closely connected with the leaders of the separatist movement in Kosovo and Metohija and lavishly finances Albanian separatism in Serbia. The Yugoslav Government possesses detailed information on the arming of Albanian separatists with the most sophisticated and diverse weapons bought with drug money. Modern camps have been established in neighbouring Albania close to the Yugoslav border for the training of Albanian terrorists for actions against Yugoslavia, its destabilization and threats against its security and territorial integrity. Documented evidence is available, including statements of the individuals trained in camps in Albania and apprehended by the Yugoslav border and security authorities and from terrorists attempting to cross the Yugoslav-

Albanian border illegally in an ever greater number or in raids against arms caches in Kosovo and Metohija.

Unfortunately, for political reasons, the dedicated efforts of the Yugoslav authorities to curb these criminal activities have been misrepresented in the United Nations bodies dealing with human rights as the violation of the human rights of ethnic Albanians, their intimidation, repression, violation of the privacy and inviolability of their apartments, etc. The international community bears major responsibility for finding the right and objective measure between the protection of the human rights of one category of people such as minority members who are discriminated against (which is not the case in Yugoslavia), on the one hand, and an unreserved condemnation of internationally unacceptable activities, dealt with in the said paragraph of the Declaration, on the other. Such a condemnation should not be withheld.

In paragraph 10 of the Declaration it is said, inter alia, that the right to development is a universal and inalienable right and an integral part of fundamental human rights.

Yugoslavia has always attached great importance to this issue, at both the national and the international levels. As it is known, together with a number of non-aligned and developing countries, Yugoslavia sponsored and the Yugoslav delegation tabled the resolution on the right to development b/ in the United Nations bodies dealing with the issue.

Pursuant to the request of the Secretary-General of the United Nations of December 1993 and in accordance with the provisions of Commission on Human Rights resolution 1993/22 and the conclusions of the Working Group on the Right to Development, the Government of the Federal Republic of Yugoslavia has submitted an extensive report on the obstacles to the implementation of the United Nations Declaration on the Right to Development (see A/C.3/49/11). Therefore on this occasion we would present only a part of the facts related to this issue.

The Constitution of the Federal Republic of Yugoslavia, as the highest legal document of the common State of Serbia and Montenegro, stipulates that the Federal Republic of Yugoslavia is a sovereign legal State, based on the equality of citizens and the equality of its constituent Republics (art. 1). It goes on to say that freedoms and rights of man and citizen are restricted by equal freedoms and rights of others (art. 9) and that the Federal Republic of Yugoslavia recognizes and guarantees the freedoms and rights of man and citizen recognized by international law (art. 10). The freedoms and rights of man and citizen are exercised and duties fulfilled in accordance with the Constitution. The law may prescribe the manner of exercise of some freedoms and rights of man and citizen when so provided for by the Constitution or when required for their exercise (art. 67).

The economic development of the Federal Republic of Yugoslavia, scientific and technological development, regional development and the narrowing of differences in the level of the development of individual regions fall within the competence of the Federal Republic of Yugoslavia (art. 77).

The provisions of the Constitution of the Federal Republic of Yugoslavia are a clear indication that there exist all legal preconditions for the implementation of the basic principles of the Declaration on the Right to Development. Although the Declaration itself is not incorporated in any national legal act, its spirit is reflected in both federal and republican documents on development policies in the social and economic spheres.

Although legally enacted and institutionalized, at both federal and republican levels, the implementation of the right to development in the Federal Republic of Yugoslavia has been thwarted in the past several years as the collective punishment imposed on the Federal Republic of Yugoslavia for purely political reasons has provided an insurmountable obstacle to development. Accordingly, at the beginning of the last decade of this century, the social and economic development of Yugoslavia, one of the leading countries of Central and Eastern Europe by the size of its economic growth rate and the depth and dynamics of the introduction of social and economic reforms since World War II, particularly in the 1980s, has come to a halt. Chronologically, this situation was brought about by the unconstitutional secession of four former republics of the Socialist Federal Republic of Yugoslavia and their hasty recognition by the international community, the civil war in former Bosnia-Herzegovina, which affected the Serbian population in this territory, and the subsequent introduction of the unjust and unfair sanctions against the Federal Republic of Yugoslavia by the international community on 31 May 1992 in accordance with the relevant Security Council resolutions.

The secession of the former republics of the Socialist Federal Republic of Yugoslavia and the outbreak of armed conflicts accounted for the closing down of markets, suspension of foreign exchange and monetary transactions and the erection of physical barriers to the flow of goods and services between the former republics of the Socialist Federal Republic of Yugoslavia, which was followed by the breakdown of the entire infrastructure of the country. As a result of such developments, as early as 1991, the gross national product (GNP) fell from US\$ 26,590 million in 1990 to only US\$ 23,665 million or by 8.2 per cent, in which the share of industrial production fell by 18 per cent.

Industrial production in 1992 compared to the previous year fell by 21.2 per cent and agricultural production by 18 per cent and this trend continued in 1993 at the rates of 37.3 per cent and 7.2 per cent respectively.

The aggregate indicator of economic trends shows that the 1992 GNP compared to 1991 fell by 26 per cent and it is estimated that in 1993 it fell further by about 30 per cent. The per capital GNP fell from US\$ 3,000 in 1991 to only several hundred United States dollars.

It is estimated that under normal conditions the 1990 GNP could have been realized in the 1991-1994 period in the amount of US\$ 26.6 billion per year. Even with the assumption of the 1990 annual growth rate of 4.1 per cent, it will not be possible to achieve this GNP before 2011.

The greatest part of the calculable damage accounts for the unrealized real GNP, plus losses caused by the unrealized net inflow from transactions in

invisibles with foreign countries and additional losses accrued on account of dole disbursements and refugee accommodation costs.

The losses in the 1991-1994 period are estimated at about US\$ 45 billion.

The incalculable but certainly enormous damage caused by the disintegration of the Socialist Federal Republic of Yugoslavia and the international economic embargo and sanctions also includes the losses from Yugoslavia's elimination from foreign markets and the costs yet to be paid for its return, as well as from the freezing of its assets and property abroad. From mid-1991 to mid-1993, the number of employed fell by about 10 per cent. Besides, a large number of those who still have an employment are practically idle owing to the shortage of raw materials, intermediaries and fuel and, instead of supporting themselves by their wages, they are forced to live on the dole. Average net wages, over US\$ 200 in 1991, fell to US\$ 80 in 1992 and to only somewhat over US\$ 30 in 1993. At the beginning of 1994, average net wages amounted to only 26 dinars (1 dinar = 1 deutsche mark).

A drastic fall in revenues has seriously affected pensions, disability pensions, welfare disbursements, child allowances and subsidies to institutions of social care.

The health situation deteriorated rapidly after the imposition of sanctions. It continues to deteriorate with each passing day and has resulted in disastrous consequences, particularly for the most vulnerable segments of the population (children, pregnant women, the old and ailing, refugees). After several years of a declining economic trend, Yugoslavia's infant mortality rate has now begun to rise, even in those parts of the country where the mortality rate was at the level of medium-developed countries. The number of deaths caused by contagious and all chronic non-contagious (cardiovascular, respiratory) as well as cancerous diseases has increased as a result of very limited possibilities for early detection and adequate treatment.

Last year, 2,680 more persons died of cancer in the Federal Republic of Yugoslavia than would have otherwise been the case in normal circumstances. The number of diagnostic procedures was reduced by 90 per cent, the number of outpatient medical examinations by 50 per cent and the number of surgical interventions, still the most effective way of treatment, was reduced by 75 per cent.

The number of examinations and operations on children fell by 92 per cent, while the number of post-operative infections increased by 30 per cent compared to previous years.

By imposing sanctions also in the field of health, the international community has trampled upon the best medical traditions and countless provisions of the international humanitarian law, including the 1989 resolution of the World Health Assembly that explicitly prohibits the use of medical embargoes for political ends.

The population is suffering from malnutrition. Protein in the diet has been reduced by more than 40 per cent, which affects children and the younger generation in particular.

An enormous number of highly educated professionals have left the Federal Republic of Yugoslavia. Most of them are young people aged between 21 and 44.

The implementation of the measures of the economic embargo and isolation has had a negative bearing on the possibility of upholding the principle of social justice. The sanctions have had the most devastating effect on the poorest and most vulnerable segments of the population, to whom basic health protection is becoming less and less available.

The Yugoslav experience is closely linked to the contents of paragraph 31 of the Declaration of the World Conference on Human Rights relating to unilateral coercive measures and to Commission on Human Rights resolution 1994/47 on the same subject, submitted by the delegations of Cuba, China, Ghana and the Sudan, condemning the imposition of embargoes, blockades and the freezing of assets, as well as the countries imposing them by using their predominant position in the world economy. It is therefore quite in order to ask whether it is possible for Yugoslavia to participate in the efforts of the international community to find solutions to problems of economic and social development and in its quest for solutions to accumulated environmental problems in the world if it is denied the right to participate in the work of relevant international organizations and forums and in the implementation of the documents adopted within the United Nations; how to ensure, in the conditions of sanctions, a non-inflationary and stable growth and ensuing social progress, fight poverty, introduce democracy or address growing environmental challenges, all of which are the postulates of the right to development as a basic human right; service foreign debts and regain financial credibility if its assets remain frozen, while its foreign exchange, monetary, trade and other transactions with other countries are suspended; and, last but not least, overcome an ever greater stagnation in development and its consequences for many generations of innocent population. In short, how can Yugoslavia forestall the marginalization of its people, denied not only its basic human rights, but, by extension, the right to life itself.

The threat of sanctions and their uncritical imposition and maintenance as a means of conducting policy are becoming an ever more frequent phenomenon in international relations. Although until now none of the goals intended by the imposition of the sanctions were achieved, there is a real danger that they might turn into an extremely dangerous instrument in the current process of the establishment of a new world order, with extremely negative consequences for peace, development, democracy, humanitarian and other proclaimed goals of the international community. Their devastating effects may hardly differ from the consequences of war.

Sanctions affect not only individual peoples and countries; their effects are felt also in the economic, political and social development of entire regions. Moreover, they boomerang on the international community, which has to mobilize ever greater financial resources to offset their consequences.

There is no justification for the international community to turn a blind eye to the consequences of such collective punishment of peoples by way of an open violation of the basic rules of international law and basic instruments of human rights.

Paragraph 19 of the Declaration reaffirms the obligation of States to respect and promote minority rights as stipulated in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In this connection, the Government of the Federal Republic of Yugoslavia wishes to point out that persons belonging to national minorities in the Federal Republic of Yugoslavia enjoy, in full equality with other citizens, all human rights guaranteed in international instruments on human rights as well as some additional rights, many of which go beyond the provisions of the said United Nations Declaration. Yugoslavia guarantees much wider rights to its minorities than those granted to the Serb and Montenegrin minorities in countries in which their existence is recognized.

The federal State and the member Republics (Serbia and Montenegro) are defined in the Constitution as States based on the equality of all their citizens and are not the States of the majority population. It is in line with that commitment that all citizens, whether they belong to the Serb and Montenegrin peoples or to any of the national minorities or ethnic groups, enjoy identical human rights and freedoms guaranteed by the Constitution.

Minority members are also guaranteed some special rights such as the use of their own language and alphabet, the right to education and public information in their own language, the right to establish educational or cultural organizations or associations, the right to establish and maintain unhindered relations in the country and abroad with members of their nation living in other States, etc. Under the Constitution, the Federal Republic of Yugoslavia recognizes and guarantees national minorities the right of preservation, development and expression of their ethnic, linguistic and other specificities as well as the use of national symbols in accordance with international law, particularly the provisions on minority rights.

The Constitution of the Federal Republic of Yugoslavia provides that the language and alphabet of a national minority will be in official use in the area in which that minority lives.

Every citizen of the Federal Republic of Yugoslavia, whether a member of a minority or majority group, is guaranteed participation in power-sharing at all levels on the footing of equality.

Mutatis mutandis, all national minorities in the Federal Republic of Yugoslavia enjoy equal rights irrespective of number or size. The case of the Bulgarian national minority presented below is illustrative of the overall minority rights situation in the Federal Republic of Yugoslavia.

According to the statutes as the highest legal acts in the municipalities with the majority Bulgarian population, the Bulgarian language and alphabet are in official use alongside the Serbian language and alphabet. The Bulgarian language is used in all municipal bodies and other organizations exercising

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public authority alongside the Serbian language. Place and street names, as well as the names of companies and other public signs are written in both languages. The Bulgarian language is used in written and oral communications between organs and organizations as well as with parties, i.e. citizens, in proceedings conducted to give effect to, and protect, the rights, duties and responsibilities of citizens, in public record-keeping, the issuance of public documents, etc.

In the municipality of Dimitrovgrad, in which 52.5 per cent of the population is Bulgarian, 22.5 per cent Serb, 22.4 per cent Yugoslav and 2.6 per cent other, members of the Bulgarian national minority account for 97 per cent of deputies in the municipal assembly. The president of the municipality, the secretary and the president of the executive council are members of the Bulgarian national minority. Seventy-five per cent of the judges of the municipal court are Bulgarians, as is also the president of the court; 66 per cent of all employed in the Department of the Interior, including the head of the Department, and 89 per cent of company directors are Bulgarians. In the municipality of Bosilegrad, in which 72.9 per cent of the overall population are Bulgarians by origin, all deputies in the municipal assembly are members of the Bulgarian minority.

Education in minority languages is organized at all levels from pre-school to university. Elementary and secondary schools teach in minority languages if at least 15 students enrol in form I and, with the approval of the Minister of Education, even for a smaller number of students. There is also the possibility of organizing bilingual instruction or complementary minority language and culture classes.

Instruction in the Dimitrovgrad elementary and high schools is carried out in all three manners provided by law depending on students' and parents' choice. There are 1,056 students in the elementary school and 93 per cent of the school teachers, as well as the school principal, are members of the Bulgarian national minority. The high school has 260 students and its principal and 90 per cent of teachers are Bulgarians. The high school in Dimitrovgrad is one of the most modern secondary schools in the Republic of Serbia and, except for 10 per cent in local voluntary contributions, the Republic financed its equipment. There are 200 university students of Bulgarian nationality in Serbia.

The Municipal Library in Dimitrovgrad has about 30,000 books in the Bulgarian language and the Municipal Library in Bosilegrad about 14,000 books.

Not only is the right of members of national minorities to be informed in their own language guaranteed by the Constitution and laws, but the implementation of that right is financed from the budget.

The Bratstvo paper and publishing house, which publishes in the Bulgarian language, issues a weekly current affairs magazine, a children's paper and a literary magazine. The Republic of Serbia subsidizes their publishing expenses and the salaries of the employees. Radio-TV Serbia broadcasts a 15-minute programme daily in the Bulgarian language (30 minutes on Sundays), while Television Belgrade broadcasts a 15-minute weekly newsreel.

Identical minority rights are guaranteed also to the members of the Albanian minority. Therefore that aspect of the issue will not be dealt with on this occasion since the minority rights of Albanians have been frequently mentioned and extensively explained in various human rights forums. They are granted equal rights with all other minorities living on the territory of the Federal Republic of Yugoslavia and are free to enjoy them fully. The reason why they do not always profit from those rights is their refusal to recognize the State in which they live or its competences. Under the pressure of their extremist political leaders within and outside Yugoslavia, whose ultimate aim is even violent secession from Yugoslavia and establishment of their own independent State, they boycott the institutions of the State in which they live. More than 100 foreign delegations have visited Kosovo and Metohija so far and have, no doubt, acquainted themselves with the situation in this province. Unfortunately, most of their reports are biased for political or ideological reasons, in sheer disregard of facts, above all the basic principle of minority rights documents adopted within CSCE and the United Nations, according to which national minority members must be loyal citizens of States in which they live. Accordingly, it is the failure of the members of Albanian ethnic minority in the Federal Republic of Yugoslavia to honour this principle that accounts for all the problems they have in the exercise or non-exercise of the guaranteed minority rights. The international community should take care of that, particularly if it is interested to understand this situation and help to resolve this problem. The Yugoslav Government reiterates its commitment to resolve all open questions and common problems through dialogue.

In conclusion, it is recalled that, in the period after the World Conference on Human Rights, the Yugoslav Government has submitted to the United Nations expert bodies dealing with the implementation of international instruments the following reports: special report on the obstacles to the implementation of the Convention on the Rights of the Child, special report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, supplement to the special report on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination and the first periodic report of the Government of the Federal Republic of Yugoslavia on the implementation of the Convention on the Rights of the Child.

In the same period, the Yugoslav Government also submitted reports on religious intolerance, minority rights and the report on the implementation of the Declaration on the Right to Development mentioned above.

These reports are illustrative of the Yugoslav policy and practice in the field of the protection and promotion of human rights.

Notes

a/ HRI/CORE/1/Add.32, para. 9.

b/ Resolution 41/128.



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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 26 October 1994 from the Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia addressed to the
Secretary-General

I have the honour to transmit herewith a report of the Government of the Federal Republic of Yugoslavia on the obstacles to the implementation of the United Nations Declaration on the Right to Development.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 100 (b).

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

I. INTRODUCTION

1. Pursuant to the request of the Secretary-General of December 1993, Commission on Human Rights resolution 1993/22 and the conclusions of the Working Group on the Right to Development, the Government of the Federal Republic of Yugoslavia wishes to draw attention to the obstacles it encounters in the implementation of the Declaration on the Right to Development adopted by the General Assembly on 4 December 1986.

2. In this way, the Government of the Federal Republic of Yugoslavia wishes to make its contribution to a comprehensive assessment of the obstacles to the implementation of the right to development both at home and abroad, guided by the fact that "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (art. 1 of the Declaration on the Right to Development).

II. CONSTITUTION, POLICY AND DEVELOPMENT PROGRAMMES OF
THE FEDERAL REPUBLIC OF YUGOSLAVIA

3. The Constitution of the Federal Republic of Yugoslavia, as the highest legal document of the common State of Serbia and Montenegro, stipulates that the Federal Republic of Yugoslavia is a sovereign federal State, based on the equality of citizens and the equality of its constituent Republics (art. 1). It goes on to say that freedoms and rights of man and citizen are restricted by equal freedoms and rights of others (art. 9) and that the Federal Republic of Yugoslavia recognizes and guarantees the freedoms and rights of man and citizen recognized by international law (art. 10). The freedoms and rights of man and citizen are exercised and duties fulfilled in accordance with the Constitution. The law may prescribe the manner of exercise of some freedoms and rights of man and citizen when so provided for by the Constitution or when required for their exercise (art. 67). The economic development of the Federal Republic of Yugoslavia, scientific and technological development, regional development and the narrowing of differences in the level of development of individual regions fall within the competence of the Federal Republic of Yugoslavia (art. 77).

4. The said provisions of the Constitution of the Federal Republic of Yugoslavia are a clear indication that there exist all legal preconditions for the implementation of the basic principles of the Declaration on the Right to Development.

5. Although the Declaration itself is not incorporated in any national legal act, its spirit is reflected in both federal and republican documents on development policies in the social and economic spheres in the following manner:

(a) Through the goals and measures in the field of regional development and the basic orientation towards creating equal conditions for development in

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the entire territory of the country by encouraging accelerated development of underdeveloped regions;

(b) Through the goals and measures in the field of social policy and development and by according the same treatment to all (ethnic, religious, racial, sex and age) population groups;

(c) Through the same treatment of various sectors of property in tax, credit and other policies;

(d) Through the goals and measures established by the policy of the protection of the environment in the Federal Republic of Yugoslavia as well as through the established economic instruments for sustainable growth.

6. Development issues at the national level fall within the competence of the Federal Ministry of Science, Technology and Development and its Centre for Development and Economic Policies, and at the republican level within that of the Republican Administration for Development in the Republic of Serbia and the Secretariat for the Development of Montenegro in the Republic of Montenegro.

III. OBSTACLES TO THE DEVELOPMENT

7. Although legally enacted and institutionalized, at both federal and republican levels, the implementation of the right to development in the Federal Republic of Yugoslavia has been thwarted in the past several years as the international environment has provided an absolute obstacle to development.

8. Yugoslavia, by the size of its economic growth rate and the depth and dynamics of the introduction of social and economic reforms since the Second World War, particularly in the 1980s, one of the leading countries of Central and Eastern Europe, found itself at the beginning of the current decade in a situation in which its further social and economic development came to a halt.

9. Chronologically, this situation was brought about by the unconstitutional secession of four former republics of the Socialist Federal Republic of Yugoslavia and their hasty recognition by the international community, the civil war in former Bosnia-Herzegovina, which affected a large number of its inhabitants of Serb origin living in this territory, and the subsequent introduction of the unjust and unfair sanctions against the Federal Republic of Yugoslavia by the international community on 31 May 1992 in accordance with Security Council resolutions.

10. The secession of the former republics of the Socialist Federal Republic of Yugoslavia and the outbreak of armed conflicts led to the closing down of the market, suspension of foreign exchange and monetary transactions and the erection of physical barriers to the flow of goods and services between the former republics of the Socialist Federal Republic of Yugoslavia, which was followed by the breakdown of the entire infrastructure of the country.

11. As a result of such developments, the gross national product (GNP) fell, as early as 1991, from the US\$ 26,590 million realized in 1990 to only

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US\$ 23,665 million or by 8.2 per cent, in which the share of industrial production fell by 18 per cent.

12. The adoption and implementation of resolutions 757 (1992) and 787 (1992) by the Security Council, and in particular the imposition of tighter implementation by the adoption of resolution 820 (1993), exacerbated these negative trends.

13. Industrial production in 1992 compared to the previous year fell by 21.2 per cent and agricultural production by 18 per cent and this trend continued in 1993 at the rates of 37.3 per cent and 7.2 per cent respectively. The aggregate indicator of economic trends shows that the 1992 GNP compared to 1991 fell by 26 per cent and it is estimated that in 1993 it fell further by about 30 per cent. The per capita GNP fell from US\$ 3,000 in 1991 to only several hundred United States dollars.

14. It is estimated that under normal conditions the 1990 GNP could have been realized in the 1991-1994 period in the amount of US\$ 26.6 billion per year. With the assumption of the 1990 annual growth rate of 4.1 per cent, however, it will not be possible to achieve this GNP before 2011.

15. The greatest part of the calculable damage accounts for the unrealized real GNP, plus losses caused by the unrealized net inflow from transactions in invisibles with foreign countries and additional losses accrued on account of dole disbursements and refugee accommodation costs. The losses in the 1991-1994 period are estimated at about US\$ 45 billion and in the 1995-2011 period at over US\$ 100 billion, the cumulative losses for the 1991-2011 period being estimated at about US\$ 150 billion. The estimated aggregate damage amounts to 5.5 times the 1990 annual GNP.

16. The incalculable but certainly enormous damage caused by the disintegration of the Socialist Federal Republic of Yugoslavia and the international economic embargo and sanctions also includes the losses from Yugoslavia's elimination from foreign markets and the costs yet to be paid for its return, as well as from the freezing of its assets and property abroad.

17. From mid-1991 to mid-1993 the number of employed fell by about 10 per cent. Besides, a large number of those who still have employment are practically idle owing to the shortage of raw materials, intermediaries and fuel and, instead of supporting themselves by their wages, they are forced to live on the dole.

18. Average net wages, over US\$ 200 in 1991, fell to US\$ 80 in 1992 and to only somewhat over US\$ 30 in 1993. At the beginning of 1994, average net wages amounted to only 26 dinars (1 dinar = 1 deutsche mark).

19. A drastic fall in revenues has seriously affected pensions, disability pensions, welfare disbursements, child allowances and subsidies to institutions of social care.

20. The health situation deteriorated rapidly after the imposition of sanctions. It continues to deteriorate with each passing day, with disastrous consequences, particularly for the most vulnerable segments of the population (children, pregnant women, the old and ailing, refugees).

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21. After several years of a declining economic trend, Yugoslavia's infant mortality rate has now begun to rise, even in those parts of the country where the mortality rate was at the level of medium-developed countries.

22. The number of deaths caused by contagious and all chronic non-contagious (cardiovascular, respiratory), as well as cancerous diseases, has increased as a result of very limited possibilities for early detection and adequate treatment. Last year, 2,680 more persons died of cancer in the Federal Republic of Yugoslavia than would have otherwise been the case in normal circumstances. The number of diagnostic procedures was reduced by 90 per cent, the number of outpatient medical examinations by 50 per cent and the number of surgical interventions, still the most effective way of treatment, was reduced by 75 per cent.

23. The number of examinations and operations on children fell by a total of 92 per cent, while the number of post-operative infections increased by 30 per cent compared to previous years.

24. By imposing sanctions also in the field of health, the international community has trampled upon the best medical traditions and countless provisions of international humanitarian law, including the 1989 resolution of the World Health Assembly, which explicitly prohibits the use of medical embargoes for political ends.

25. The population is suffering from malnutrition. Protein in the diet has been reduced by more than 40 per cent, which affects the children and the younger generation in particular.

26. Last year alone, almost 600 highly educated professionals left Yugoslavia, most of them young people aged between 21 and 44.

27. The implementation of the measures of the economic embargo and isolation has had a negative bearing on the possibility of preserving the principle of social justice. The sanctions have had the most devastating effect on the poorest and most vulnerable segments of the population, to whom basic health protection is becoming increasingly unavailable.

28. Unlike the majority of the population who strive to make ends meet, and despite government measures, a relatively small group of people has parlayed the measures of international economic isolation to their own advantages and, by smuggling, corruption, profiteering and all sorts of other shady activities, has managed to accrue considerable wealth and gain social status and influence. This has had a very negative bearing on the overall moral climate of society and undermines the principle of social justice, one of the basic principles of democracy.

IV. ISSUES BEFORE THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT

29. The Federal Republic of Yugoslavia, like other countries on which international sanctions have been imposed, has to deal with many questions related to the provisions and implementation of the Declaration on the Right to Development. It thus has to provide a proper answer as to:

(a) How to participate in the efforts of the international community aimed at finding solutions to problems of economic and social development and in the solution of accumulated global problems of the environment, when it is denied the right to participate in the work of international organizations and forums and in the implementation of the documents adopted within the United Nations;

(b) How to ensure, in the conditions of sanctions, non-inflationary and stable growth, and ensuing social progress, fight poverty, introduce democracy or deal with an ever greater number of environmental challenges, all of these being the principal premises of the right to development as a basic human right;

(c) How to service foreign debts and regain financial credibility when its assets remain frozen and foreign exchange, monetary, trade and other transactions with foreign countries are suspended;

(d) How to make up for an ever greater stagnation in development and its consequences for many generations of innocent population;

(e) Finally, how to avoid the marginalization of an entire people who is denied not only its basic human rights, but also, indirectly, the right to life itself.

30. Recourse to sanctions and their indiscriminate imposition and maintenance are increasingly becoming an ever more frequent feature of international relations. Despite the fact that no goal for which they have been imposed has been achieved so far, there is a real danger that they might be turned into an extremely inadequate instrument in the current process of the establishment of a new world order, with very negative consequences for peace, development, democracy and the humanitarian and other goals the international community has set out to attain, all the more so as their devastating effects hardly differ from the consequences of war.

31. Sanctions affect not only individual peoples and countries, but also indirectly the economic, political and social development of entire regions. Moreover, they have a boomerang effect on the international community, which has to muster ever greater financial resources to offset their consequences.

32. The international community would be ill-advised to turn a blind eye to the consequences of collective punishment of an entire people by way of an open violation of the basic rules of international law.

33. Proceeding from the aforementioned, the Government of the Federal Republic of Yugoslavia expects the Working Group on the Right to Development to devote special attention to the problem of international sanctions as one of the

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biggest obstacles to the economic, social, scientific, technological and cultural development of peoples, all the more so as they are most frequently imposed to achieve very vague goals and their only victims are developing countries.



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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES,
QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED
PERSONS AND HUMANITARIAN QUESTIONS

Letter dated 27 October 1994 from the Chargé d'affaires a.i. of
the Permanent Mission of Yugoslavia to the United Nations
addressed to the Secretary-General

I have the honour to forward herewith information on the status of refugees
in the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the present letter and its annex
circulated as an official document of the General Assembly under agenda item 99.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Refugees in the Federal Republic of Yugoslavia: drastic
deterioration in the humanitarian situation

1. During the last four years, the Federal Republic of Yugoslavia has provided shelter to refugees from the former Yugoslav republics of Bosnia and Herzegovina, Croatia, Slovenia and Macedonia.

Protection to refugees and displaced persons in Yugoslavia is rendered in accordance with the standards and principles of the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees, of which Yugoslavia is a signatory party. In providing protection to refugees, Yugoslavia has observed all the basic provisions of international documents pertaining to the protection of the human rights of this category of people. In this context, article 4 of the Law on Refugees of the Republic of Serbia provides that, in addition to other rights, the Republic will guarantee the refugees the same international and legal protection it guarantees to its own citizens, which in itself is eloquent proof of the country's concern over the fate of refugees. Accordingly, refugees and displaced persons in the Federal Republic of Yugoslavia enjoy all basic human rights, as well as some specific rights to accommodation and protection, to all types of education, material support, free medicine and medical treatment, to information, etc.

For quite a long time the international community has turned a blind eye to the refugees in the Federal Republic of Yugoslavia, which resulted, among other things, from its hesitation to provide humanitarian assistance. As a consequence, the refugees in the Federal Republic of Yugoslavia have been placed in an unequal and discriminatory position vis-à-vis the refugees in the other republics of the former Socialist Federal Republic of Yugoslavia and that position has not yet been changed. Foreign Governments and many humanitarian organizations have not reversed their policy of sending humanitarian assistance to former Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia alone, in outright disregard of the plight and predicament of refugees in the Federal Republic of Yugoslavia.

The Federal Republic of Yugoslavia, however, has borne the brunt of the refugee crisis in these territories in the last three years. It has had sanctions imposed and the refugees have been their first and principal victims. Humanitarian assistance, although formally exempted from sanctions, is almost negligible. Its shipment to those in need in the Federal Republic of Yugoslavia has been virtually stopped by the delaying tactics applied in the procedures of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and "the work to rule" by relevant institutions in many donor and aid-transiting countries.

2. There are 440,000 registered refugees in the territory of the Federal Republic of Yugoslavia today, 395,000 of them, or 4 per cent of the overall population, in Serbia and 45,000, or 7.3 per cent of the overall population, in Montenegro. About 200,000 refugees are from former Bosnia and Herzegovina, about 190,000 from Croatia, while 37,000 are from Slovenia and 3,000 are from

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the former Yugoslav Republic of Macedonia. In terms of nationality, the preponderant part of the refugees are Serbs - 77 per cent in Serbia, while 35 per cent of the refugees in Montenegro are Montenegrins and 35 per cent are Serbs. Over 100,000 refugees are of other national origin (Muslims, Croats, Yugoslavs, Jews, Albanians, etc.). All refugees in the Federal Republic of Yugoslavia, irrespective of their nationality or religion, enjoy the same rights and receive the same assistance.

The most vulnerable segments of the refugee population are children, who account for 42 per cent of the overall refugee population in Serbia and for 50 per cent in Montenegro. Women account for 58 per cent of the overall refugee population in Serbia and for 66.6 per cent in Montenegro.

Refugees continue to arrive in the Federal Republic of Yugoslavia. Most of them are now coming from Croatia, in which the ethnic cleansing of large towns is currently under way. These people are subjected to various forms of pressure: they are being dismissed from jobs owing to their nationality, they are threatened in various ways and they are often evicted from their homes and apartments.

3. Some 95 per cent of the overall number of refugees have been accommodated within the families of friends and relatives or simply of unknown humane people. Consequently, the greatest part of the burden of refugee accommodation has been shouldered by the ordinary people of the Federal Republic of Yugoslavia, most of whom have had their own standard of living reduced to the subsistence level by the imposition of sanctions.

The sanctions have also depleted the economic and financial potentials of the Federal Republic of Yugoslavia to the level that the country cannot help their own citizens in need. The accommodation of refugees has been a very severe additional strain on the country's limited resources, yet, considering the number of refugees, the circumstances in which it found itself upon the establishment of United Nations sanctions and the lack of international assistance, there is no doubt that the Federal Republic of Yugoslavia has done much more for refugees than any other former Yugoslav republic.

4. Bilateral arrangements, the dominant form of refugee assistance to the other republics of the former Socialist Federal Republic of Yugoslavia, have accounted for a very small portion of the assistance to refugees in the Federal Republic of Yugoslavia. Almost exclusively, this assistance has been provided by international humanitarian organizations, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the World Health Organization (WHO), as well as the International Federation of the Red Cross and Red Crescent Societies and the International Committee of the Red Cross (ICRC).

In 1994, international humanitarian assistance has been drastically reduced compared with 1993. This assistance is currently less than 9 per cent of the real needs of the refugees. All forms of assistance have been reduced, from food to the heating oil for refugees accommodated both in collective centres and within families.

Currently, the refugees are in need of everything. The winter, which has already arrived, has further exacerbated the otherwise unbearable living conditions of refugees. Food, medicine, personal hygiene items, winter clothes and footwear are in short supply.

In the current situation, the lives of refugees depend most directly on the assistance to be provided by the international community since the Federal Republic of Yugoslavia has exhausted all its resources.

In the opinion of the Federal Republic of Yugoslavia, the principal way to solve the refugee crisis in the former Socialist Federal Republic of Yugoslavia is the elimination of its causes peacefully and by cooperation. Committed to the respect of all human rights of refugees, Yugoslavia has persistently called for their voluntary return to their homes.
